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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Aug 09, 2022

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Case No.: 2:21-CR-00146-SMJ

Plaintiff,

Plea Agreement

v.

CHANCE THE WIND SMITH,

Defendant.

Plaintiff United States of America, by and through Vanessa R. Waldref, United States Attorney the Eastern District of Washington, and Richard R. Barker, Assistant United States Attorney for the Eastern District of Washington, and Chance The Wind Smith (“Defendant”), both individually and by and through Defendant’s counsel, Federal Defender Andera George, agree to the following Plea Agreement.

1. Guilty Plea and Maximum Statutory Penalties

Defendant agrees to enter a plea of guilty to Information Superseding Indictment filed July 27, 2022, which charges Defendant with Assault with a Dangerous Weapon in Indian Country, in violation of 18 U.S.C. §§ 113(a)(3), 1153 and Theft in Indian Country in violation of 18 U.S.C. §§ 661, 1153.

With respect to the Assault with a Dangerous Weapon charge, Defendant understands that the following potential penalties apply:

- 28      a.      a term of imprisonment of up to ten years;

- 1                   b.     a term of supervised release of up to 3 years;
- 2                   c.     a fine of up to \$250,000;
- 3                   d.     restitution; and
- 4                   e.     a \$100 special penalty assessment.

5                  With respect to the Theft in Indian Country count, Defendant understands that  
6 the following potential penalties apply:

- 7                   a.     a term of imprisonment of up to 5 years;
- 8                   b.     a term of supervised release of up to 3 years;
- 9                   c.     a fine of up to \$250,000;
- 10                  d.     restitution; and
- 11                  e.     a \$100 special penalty assessment.

12                 The Defendant understands that by entering pleas of guilty to two charges, the  
13 Court may impose consecutive sentences and that the total maximum penalties  
14 applicable to this Plea Agreement and the Defendant's pleas of guilty are not more  
15 than a 15-year term of imprisonment; an aggregate fine of not more than \$500,000;  
16 and a term of 3-years' supervised release. An aggregate special penalty assessment of  
17 \$200 (\$100 for each count of conviction) is statutorily prescribed and will be applied.

18                 2.     Supervised Release

19                 Defendant understands that if Defendant violates any condition of Defendant's  
20 supervised release, the Court may revoke Defendant's term of supervised release, and  
21 require Defendant to serve in prison all or part of the term of supervised release  
22 authorized by statute for the offense that resulted in such term of supervised release  
23 without credit for time previously served on post-release supervision, up to the  
24 following terms:

- 25                  a.     5 years in prison if the offense that resulted in the term of  
26                      Supervised Release is a class A felony,
- 27                  b.     3 years in prison if the offense that resulted in the term of  
28                      Supervised Release is a class B felony, and/or

c. 2 years in prison if the offense that resulted in the term of Supervised Release is a class C felony.

Accordingly, Defendant understands that if Defendant commits one or more violations of supervised release, Defendant could serve a total term of incarceration greater than the maximum sentence authorized by statute for Defendant's offense(s) of conviction.

### **3. The Court is Not a Party to this Plea Agreement**

The Court is not a party to this Plea Agreement and may accept or reject it. Defendant acknowledges that no promises of any type have been made to Defendant with respect to the sentence the Court will impose in this matter.

**Defendant understands the following:**

- a. sentencing is a matter solely within the discretion of the Court;
  - b. the Court is under no obligation to accept any recommendations made by the United States or Defendant;
  - c. the Court will obtain an independent report and sentencing recommendation from the United States Probation Office;
  - d. the Court may exercise its discretion to impose any sentence it deems appropriate, up to the statutory maximum penalties;
  - e. the Court is required to consider the applicable range set forth in the United States Sentencing Guidelines, but may depart upward or downward under certain circumstances; and
  - f. the Court may reject recommendations made by the United States or Defendant, and that will not be a basis for Defendant to withdraw from this Plea Agreement or Defendant's guilty plea.

#### 4. Potential Immigration Consequences of Guilty Plea

If Defendant is not a citizen of the United States, Defendant understands the following:

- a. pleading guilty in this case may have immigration consequences;

- 1                   b.     a broad range of federal crimes may result in Defendant's removal  
2                   from the United States, including the offense to which Defendant  
3                   is pleading guilty;
- 4                   c.     removal from the United States and other immigration  
5                   consequences are the subject of separate proceedings; and
- 6                   d.     no one, including Defendant's attorney or the Court, can predict  
7                   with absolute certainty the effect of a federal conviction on  
8                   Defendant's immigration status.

9                   Defendant affirms that Defendant is knowingly, intelligently, and voluntarily  
10                  pleading guilty as set forth in this Plea Agreement, regardless of any immigration  
11                  consequences that Defendant's guilty plea may entail.

12                5.     Waiver of Constitutional Rights

13                  Defendant understands that by entering this guilty plea, Defendant is knowingly  
14                  and voluntarily waiving certain constitutional rights, including the following:

- 15                   a.     the right to a jury trial;
- 16                   b.     the right to see, hear and question the witnesses;
- 17                   c.     the right to remain silent at trial;
- 18                   d.     the right to testify at trial; and
- 19                   e.     the right to compel witnesses to testify.

20                  While Defendant is waiving certain constitutional rights, Defendant understands  
21                  that Defendant retains the right to be assisted by an attorney through the sentencing  
22                  proceedings in this case and any direct appeal of Defendant's conviction and sentence,  
23                  and that an attorney will be appointed at no cost if Defendant cannot afford to hire an  
24                  attorney.

25                  Defendant understands and agrees that any defense motions currently pending  
26                  before the Court are mooted by this Plea Agreement, and Defendant expressly waives  
27                  Defendant's right to bring any additional pretrial motions.

28                6.     Elements of the Offense

1       The United States and Defendant agree that in order to convict Defendant of  
2 Assault Resulting with a Dangerous Weapon in Indian Country, in violation of 18  
3 U.S.C. §§ 113(a)(3), 1153, the United States would have to prove the following  
4 beyond a reasonable doubt.

- 5           a. *First*, on or about September 11, 2021, in the Eastern District of  
6 Washington, Defendant assaulted B.L. by intentionally striking  
7 B.L. and using a display of force that reasonably caused B.L. to  
8 fear immediate bodily harm;
- 9           b. *Second*, Defendant acted with the intent to do bodily harm to B.L.;
- 10          c. *Third*, Defendant used a dangerous weapon;
- 11          d. *Fourth*, the assault took place within the exterior boundaries of the  
12 Colville Indian Reservation, in Indian country;
- 13          e. *Fifth*, Defendant is an Indian and an enrolled member of the  
14 Confederated Tribes of the Colville Reservation; and
- 15          f. *Sixth*, the Confederated Tribes of the Colville Reservation is a  
16 federally-recognized tribe.

17       The United States and Defendant agree that in order to convict Defendant of  
18 Theft in Indian Country, in violation of 18 U.S.C. §§ 661, 1153, the United States  
19 would have to prove the following beyond a reasonable doubt.

- 20           a. *First*, on or about September 11, 2021, in the Eastern District of  
21 Washington, Defendant took and carried away personal property  
22 belonging to someone other than Defendant;
- 23           b. *Second*, Defendant acted with intent to steal or purloin the  
24 property;
- 25           c. *Third*, the value of the property was more than \$1,000;
- 26           d. *Fourth*, the theft took place within the exterior boundaries of the  
27 Colville Indian Reservation, in Indian country;

- 1                   e. *Fifth*, Defendant is an Indian and an enrolled member of the
- 2                   Confederated Tribes of the Colville Reservation; and
- 3                   f. *Sixth*, the Confederated Tribes of the Colville Reservation is a
- 4                   federally-recognized tribe.

5                  7. Factual Basis and Statement of Facts

6                  The United States and Defendant stipulate and agree to the following: the facts  
7 set forth below are accurate; the United States could prove these facts beyond a  
8 reasonable doubt at trial; and these facts constitute an adequate factual basis for  
9 Defendant's guilty plea.

10                 The United States and Defendant agree that this statement of facts does not  
11 preclude either party from presenting and arguing, for sentencing purposes, additional  
12 facts that are relevant to the Sentencing Guidelines computation or sentencing, unless  
13 otherwise prohibited in this Plea Agreement.

14                 On the evening of September 11, 2021, Colville Police and Emergency Medical  
15 Technicians responded to a shooting at 1120 Lone Pine HUD, within the exterior  
16 boundaries of the Colville Tribe Reservation and within Okanogan County. The  
17 victim, B.L., had a gunshot injury to his abdomen. Witnesses report Chance The  
18 Wind Smith had gone to his ex-girlfriend's residence to drop off his children, where  
19 B.L. was present. A verbal altercation occurred, and Mr. Smith shot B.L. in the  
20 stomach. Mr. Smith then took B.L.'s vehicle, a Blue 2008 Dodge Charger, and fled  
21 the scene in B.L.'s vehicle, which was valued at over \$1,000 at the time of the  
22 offense. Mr. Smith did not have authorization to take B.L.'s Blue 2008 Dodge  
23 Charger.

24                 B.L. was transported to Mid Valley Hospital by Lifeline Ambulance, where he  
25 was taken into surgery. He was then airlifted to Harbor View Medical Center in

1 Seattle for additional medical treatment. As a result of the shooting, B.L. suffered life-  
2 threatening bodily injury.

3 Later that evening, Mr. Smith's roommate called law enforcement and advised  
4 Mr. Smith wished to turn himself in. Law enforcement met at Mr. Smith's residence,  
5 and he was taken into custody without incident.

6       8.     The United States' Agreements

7       The United States Attorney's Office for the Eastern District of Washington  
8 agrees that at the time of sentencing, the United States will move to dismiss the counts  
9 of the Indictment filed on October 19, 2021, which charges Defendant with Assault  
10 with a Dangerous Weapon in Indian Country (Count 1); Assault Resulting in Serious  
11 Bodily Injury in Indian Country (Count 2) and Discharging and Using a Firearm  
12 During and Relation to a Crime of Violence (Count 3).

13       The United States Attorney's Office for the Eastern District of Washington  
14 agrees not to bring additional charges against Defendant based on information in its  
15 possession at the time of this Plea Agreement that arise from conduct that is either  
16 charged in the Indictment or identified in discovery produced in this case, unless  
17 Defendant breaches this Plea Agreement before sentencing.

18       9.     United States Sentencing Guidelines Calculations

19       Defendant understands and acknowledges that the United States Sentencing  
20 Guidelines ("U.S.S.G." or "Guidelines") apply and that the Court will determine  
21 Defendant's advisory range at the time of sentencing, pursuant to the Guidelines.  
22 Defendant and the United States agree to the following Guidelines calculations.

23           a.     Count 1: Assault with a Dangerous Weapon in Indian Country

24              i.     Base Offense Level

25       The United States and the Defendant agree that the base offense level for  
26 Assault with a Dangerous Weapon in Indian Country is 14. *See U.S.S.G. §2A2.2(a).*

27              ii.    Special Offense Characteristics

1       The United States and the Defendant agree that Defendant's base offense level  
2 is increased by 6 levels because B.L. suffered permanent and/or life-threatening  
3 bodily injury. U.S.S.G. § 2A2.2(b)(3)(B).

4       The United States and the Defendant agree that Defendant's base offense level  
5 is increased by 5 levels because a firearm was discharged. U.S.S.G. § 2A2.2(b)(2)(A).

6       Under U.S.S.G. § 2A2.2(b)(3), the total cumulative adjustment for these special  
7 offense characteristics cannot exceed 10 levels. Accordingly, the cumulative  
8 adjustment for the seriousness of the injury and the discharge of the firearm is 10.

9                   b. Count 2: Theft in Indian Country

10                  i. Base Offense Level

11       The United States and the Defendant agree that the base offense level for Theft  
12 in Indian Country is 6. *See* U.S.S.G. §2A2.2(a).

13                  ii. Special Offense Characteristics

14       The United States and the Defendant agree that Defendant's base offense level  
15 is increased by 2 levels because the offense involved a theft from the person of  
16 another. *See* U.S.S.G. § 2B1.1(b)(3). The United States reserves the right to argue at  
17 sentencing that Defendant's base offense level is increased by 6 levels because the  
18 offense involved possession of a dangerous weapon in connection with the offense.  
19 Defendant reserves the right to oppose this upward adjustment.

20                  c. Obstructing or Impeding the Administration of Justice

21       The United States and Defendant have not reached an agreement with respect to  
22 whether Defendant obstructed or impeded the administration of justice. The United  
23 States is free to argue for this adjustment at sentencing and Defendant is free to  
24 oppose it. If this adjustment is deemed to apply, Defendant's base offense level would  
25 be increased 2 levels. *See* U.S.S.G. § 3C1.1.

26                  d. Acceptance of Responsibility

27       The United States will recommend that Defendant receive a three-level  
28 downward adjustment for acceptance of responsibility, pursuant to U.S.S.G.

1 § 3E1.1(a), (b), if Defendant does the following:

- 2 i. accepts this Plea Agreement;
- 3 ii. enters a guilty plea at the first Court hearing that takes place
- 4 after the United States offers this Plea Agreement;
- 5 iii. demonstrates recognition and affirmative acceptance of
- 6 Defendant's personal responsibility for Defendant's criminal
- 7 conduct;
- 8 iv. provides complete and accurate information during the
- 9 sentencing process; and
- 10 v. does not commit any obstructive conduct.

11 Defendant and the United States agree that at its option and on written notice to  
 12 Defendant, the United States may elect not to recommend a reduction for acceptance  
 13 of responsibility if, prior to the imposition of sentence, Defendant is charged with, or  
 14 convicted of, any criminal offense, or if Defendant tests positive for any controlled  
 15 substance.

16 e. No Other Agreements

17 The United States and Defendant have no other agreements regarding the  
 18 Guidelines or the application of any Guidelines enhancements, departures, or  
 19 variances. Defendant understands and acknowledges that the United States is free to  
 20 make any sentencing arguments it sees fit, including arguments arising from  
 21 Defendant's uncharged conduct, conduct set forth in charges that will be dismissed  
 22 pursuant to this Agreement, and Defendant's relevant conduct.

23 f. Criminal History

24 The United States and Defendant have no agreement and make no  
 25 representations about Defendant's criminal history category, which will be determined  
 26 by the Court after the United States Probation Office prepares and discloses a  
 27 Presentence Investigative Report.

28 10. Incarceration

1       The United States is free to recommend any legal sentence at the time of  
2 sentencing up to 10 years, which is the statutory maximum for the Assault with a  
3 Dangerous Weapon charge.

4       Defendant may recommend any legal sentence.

5       11. Supervised Release

6       The United States and Defendant each agree to recommend 3 years of  
7 supervised release. Defendant agrees that the Court's decision regarding the  
8 conditions of Defendant's Supervised Release is final and non-appealable; that is,  
9 even if Defendant is unhappy with the conditions of Supervised Release ordered by  
10 the Court, that will not be a basis for Defendant to withdraw Defendant's guilty plea,  
11 withdraw from this Plea Agreement, or appeal Defendant's conviction, sentence, or  
12 any term of Supervised Release.

13      The United States and Defendant agree to recommend that in addition to the  
14 standard conditions of supervised release imposed in all cases in this District, the  
15 Court should also impose the following conditions:

- 16       a.     The United States Probation Officer may conduct, upon reasonable  
17 suspicion, and with or without notice, a search of Defendant's  
18 person, residences, offices, vehicles, belongings, and areas under  
19 Defendant's exclusive or joint control.
- 20       b.     Defendant shall participate and complete such drug testing and  
21 drug treatment programs as the Probation Officer directs.
- 22       c.     Defendant shall complete mental health evaluations and treatment,  
23 including taking medications prescribed by the treatment provider.  
24 Defendant shall allow reciprocal release of information between  
25 the Probation Officer and the treatment provider. Defendant shall  
26 contribute to the cost of treatment according to the Defendant's  
27 ability.

28       12. Criminal Fine

1       The United States and Defendant agree to recommend that the Court not impose  
2 any fine in this case.

3           13. Mandatory Special Penalty Assessment

4       Defendant agrees to pay the \$100 mandatory special penalty assessment to the  
5 Clerk of Court for the Eastern District of Washington, pursuant to 18 U.S.C. § 3013.

6           14. Restitution

7       The United States and Defendant agree that restitution is appropriate and  
8 mandatory, without regard to Defendant's economic situation, to identifiable victims  
9 who have suffered physical injury or pecuniary loss, pursuant to 18 U.S.C. §§ 3663A,  
10 3664.

11      Pursuant to 18 U.S.C. § 3663(a)(3), Defendant voluntarily agrees to pay  
12 restitution for all losses caused by Defendant's individual conduct, in exchange for the  
13 United States not bringing additional potential charges, regardless of whether counts  
14 associated with such losses will be dismissed as part of this Plea Agreement. With  
15 respect to restitution, the United States and Defendant agree to the following:

16           a. Restitution Amount and Interest

17      The United States and Defendant stipulate and agree that, pursuant to 18 U.S.C.  
18 §§ 3663, 3663A and 3664, the Court should order restitution in an amount to be  
19 determined at or before sentencing, and that any interest on this restitution amount, if  
20 any, should be waived.

21           b. Payments

22      To the extent restitution is ordered, the United States and Defendant agree that  
23 the Court will set a restitution payment schedule based on Defendant's financial  
24 circumstances. 18 U.S.C. § 3664(f)(2), (3)(A). Regardless, Defendant agrees to pay  
25 not less than 10% of Defendant's net monthly income towards restitution.

26           c. Treasury Offset Program and Collection

27      Defendant understands the Treasury Offset Program ("TOP") collects  
28 delinquent debts owed to federal agencies. If applicable, the TOP may take part or all

1 of Defendant's federal tax refund, federal retirement benefits, or other federal benefits  
2 and apply these monies to Defendant's restitution obligations. 26 U.S.C. § 6402(d);  
3 31 U.S.C. § 3720A; 31 U.S.C. § 3716.

4 Defendant understands that the United States may, notwithstanding the Court-  
5 imposed payment schedule, pursue other avenues to ensure the restitution obligation is  
6 satisfied, including, but not limited to, garnishment of available funds, wages, or  
7 assets. 18 U.S.C. §§ 3572, 3613, and 3664(m). Nothing in this acknowledgment shall  
8 be construed to limit Defendant's ability to assert any specifically identified  
9 exemptions as provided by law, except as set forth in this Plea Agreement. Until a  
10 fine or restitution order is paid in full, Defendant agrees fully to disclose all assets in  
11 which Defendant has any interest or over which Defendant exercises control, directly  
12 or indirectly, including those held by a spouse, nominee or third party. Until such  
13 time as the fine or restitution order is paid in full, Defendant agrees to provide  
14 waivers, consents, or releases requested by the U.S. Attorney's Office to access  
15 records to verify the financial information.

16                   d. Notifications and Waivers

17 Defendant agrees to notify the Court and the United States of any material  
18 change in Defendant's economic circumstances (e.g., inheritances, monetary gifts,  
19 changed employment, or income increases) that might affect Defendant's ability to  
20 pay restitution. 18 U.S.C. § 3664(k). Defendant agrees to notify the United States of  
21 any address change within 30 days of that change. *See* 18 U.S.C. § 3612(b)(1)(F).  
22 These obligations ceases when Defendant's restitution is paid-in-full.

23 Defendant acknowledges that the Court's decision regarding restitution is final  
24 and non-appealable; that is, even if Defendant is unhappy with the amount of  
25 restitution ordered by the Court, that will not be a basis for Defendant to withdraw  
26 Defendant's guilty plea, withdraw from this Plea Agreement, or appeal Defendant's  
27 conviction, sentence, or restitution order.

28                   15. Payments While Incarcerated

If Defendant lacks the financial resources to pay the monetary obligations imposed by the Court, Defendant agrees to earn money toward these obligations by participating in the Bureau of Prisons' Inmate Financial Responsibility Program.

16. Additional Violations of Law Can Void Plea Agreement

The United States and Defendant agree that the United States may, at its option and upon written notice to the Defendant, withdraw from this Plea Agreement or modify its sentencing recommendation if, prior to the imposition of sentence, Defendant is charged with or convicted of any criminal offense or tests positive for any controlled substance.

17. Waiver of Appeal Rights

Defendant understands that Defendant has a limited right to appeal or challenge Defendant's conviction and the sentence imposed by the Court.

Defendant expressly waives all of Defendant's rights to appeal Defendant's conviction and the sentence the Court imposes.

Defendant expressly waives Defendant's right to appeal any fine, term of supervised release, or restitution order imposed by the Court.

Defendant expressly waives the right to file any post-conviction motion attacking Defendant's conviction and sentence, including a motion pursuant to 28 U.S.C. § 2255, except one based on ineffective assistance of counsel arising from information not now known by Defendant and which, in the exercise of due diligence, Defendant could not know by the time the Court imposes sentence.

Nothing in this Plea Agreement shall preclude the United States from opposing any post-conviction motion for a reduction of sentence or other attack upon the conviction or sentence, including, but not limited to, writ of habeas corpus proceedings brought pursuant to 28 U.S.C. § 2255.

18. Compassionate Release

In consideration for the benefits Defendant is receiving under the terms of this Plea Agreement, Defendant expressly waives Defendant's right to bring any motion

1 for Compassionate Release other than a motion arising from one of the specific bases  
2 set forth in this paragraph of this Plea Agreement. The United States retains the right  
3 to oppose, on any basis, any motion Defendant files for Compassionate Release.

4 The only bases on which Defendant may file a motion for Compassionate  
5 Release in the Eastern District of Washington are the following:

6 a. Medical Condition of Defendant.

7 vi. Defendant is suffering from a terminal illness (i.e., a serious  
8 and advanced illness with an end of life trajectory). A  
9 specific prognosis of life expectancy (i.e., a probability of  
10 death within a specific time period) is not required.  
11 Examples include metastatic solid-tumor cancer,  
12 amyotrophic lateral sclerosis (ALS), end-stage organ  
13 disease, and advanced dementia; or

14 vii. Defendant is suffering from a serious physical or medical  
15 condition, a serious functional or cognitive impairment, or  
16 deteriorating physical or mental health because of the aging  
17 process that substantially diminishes the ability of the  
18 defendant to provide self-care within the environment of a  
19 correctional facility and from which Defendant is not  
20 expected to recover.

21 b. Age of Defendant.

22 viii. Defendant is at least 65 years old, is experiencing a serious  
23 deterioration in physical or mental health because of the  
24 aging process; and has served at least 10 years or 75 percent  
25 of Defendant's term of imprisonment, whichever is less; or

26 ix. Defendant is at least 70 years old and has served at least 30  
27 years in prison pursuant to a sentence imposed under 18

1 U.S.C. § 3559(c) for the offense or offenses for which  
2 Defendant is imprisoned.

3 c. Family Circumstances.

- 4 x. The caregiver of Defendant's minor child or children has  
5 died or become incapacitated, and Defendant is the only  
6 available caregiver for Defendant's minor child or children;  
7 or  
8 xi. Defendant's spouse or registered partner has become  
9 incapacitated, and Defendant is the only available caregiver  
10 for Defendant's spouse or registered partner.

11 d. Subsequent Reduction to Mandatory Sentence.

- 12 xii. Defendant pleaded guilty to an offense which, on the date of  
13 Defendant's guilty plea, carried a mandatory minimum  
14 sentence; and  
15 xiii. after the entry of judgment, the length of the mandatory  
16 minimum sentence for Defendant's offense of conviction  
17 was reduced by a change in the law; and  
18 xiv. the application of the reduced mandatory minimum sentence  
19 would result in Defendant receiving a lower overall  
20 sentence.

21 e. Ineffective Assistance of Counsel.

- 22 xv. Defendant seeks Compassionate Release based on a claim of  
23 ineffective assistance of counsel arising from information  
24 that Defendant both  
25 1. did not know at the time of Defendant's guilty plea,  
26 and  
27 2. could not have known, in the exercise of due  
28 diligence, at the time the Court imposed sentence.

1       19. Withdrawal or Vacatur of Defendant's Plea

2       Should Defendant successfully move to withdraw from this Plea Agreement or  
3       should Defendant's conviction be set aside, vacated, reversed, or dismissed under any  
4       circumstance, then:

- 5           a. this Plea Agreement shall become null and void;
- 6           b. the United States may prosecute Defendant on all available  
7           charges;
- 8           c. The United States may reinstate any counts that have been  
9           dismissed, have been superseded by the filing of another charging  
10          instrument, or were not charged because of this Plea Agreement;  
11          and
- 12          d. the United States may file any new charges that would otherwise  
13          be barred by this Plea Agreement.

14       The decision to pursue any or all of these options is solely in the discretion of  
15       the United States Attorney's Office.

16       Defendant agrees to waive any objections, motions, and/or defenses Defendant  
17       might have to the United States' decisions to seek, reinstate, or reinitiate charges if a  
18       count of conviction is withdrawn, set aside, vacated, reversed, or dismissed, including  
19       any claim that the United States has violated Double Jeopardy.

20       Defendant agrees not to raise any objections based on the passage of time,  
21       including but not limited to, alleged violations of any statutes of limitation or any  
22       objections based on the Speedy Trial Act or the Speedy Trial Clause of the Sixth  
23       Amendment.

24       20. Integration Clause

25       The United States and Defendant acknowledge that this document constitutes  
26       the entire Plea Agreement between the United States and Defendant, and no other  
27       promises, agreements, or conditions exist between the United States and Defendant  
28       concerning the resolution of the case. This Plea Agreement is binding only on the

1 United States Attorney's Office for the Eastern District of Washington, and cannot  
2 bind other federal, state, or local authorities. The United States and Defendant agree  
3 that this Agreement cannot be modified except in a writing that is signed by the  
4 United States and Defendant.

5 Approvals and Signatures

6 Agreed and submitted on behalf of the United States Attorney's Office for the  
7 Eastern District of Washington.

8 Vanessa R. Waldref  
9 United States Attorney

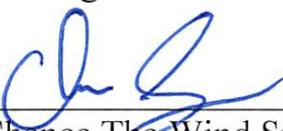
10 

11 Richard R. Barker  
12 Assistant United States Attorney

13 

14 Date

15 I have read this Plea Agreement and I have carefully reviewed and discussed  
16 every part of this Plea Agreement with my attorney. I understand the terms of this  
17 Plea Agreement. I enter into this Plea Agreement knowingly, intelligently, and  
18 voluntarily. I have consulted with my attorney about my rights, I understand those  
19 rights, and I am satisfied with the representation of my attorney in this case. No other  
20 promises or inducements have been made to me, other than those contained in this  
21 Plea Agreement. No one has threatened or forced me in any way to enter into this  
22 Plea Agreement. I agree to plead guilty because I am guilty.

23 

24 Chance The Wind Smith  
25 Defendant

26 

27 Date

28 I have read the Plea Agreement and have discussed the contents of the  
29 agreement with my client. The Plea Agreement accurately and completely sets forth  
30 the entirety of the agreement between the parties. I concur in my client's decision to  
31 plead guilty as set forth in the Plea Agreement. There is no legal reason why the  
32 Court should not accept Defendant's guilty plea.

  
Andera George  
Attorney for Defendant

8-9-2022  
Date

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2  
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